

PLANNING PANEL

17 OCTOBER 2007

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RELEVANT INFORMATION

The planning applications referred to in this agenda together with responses from consultations and all other representations received are available for inspection with the exception of certain matters relating to the personal circumstances of the applicant or objector or otherwise considered confidential in accordance with Local Government (Access to Information) Act 1985.

In considering the applications the following policy documents will, where relevant, be taken into account:-

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

Department for Communities and Local Government (DCLG) Circulars:-

In particular:

22/80	Development Control, Policy and Practice
15/88	Environmental Assessment
15/92	Publicity for Planning Applications
11/95	The Use of Conditions in Planning Permissions
01/06	Guidance on Changes to the Development Control System

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

STANDARD CONDITIONS

In order to save space standard conditions applied to all outline, full and reserved matters consents have been omitted, although the numbering of the conditions takes them into account. The standard conditions are as follows:-

Outline Consent

1. The layout, scale, appearance, means of access thereto and landscaping shall be as may be approved by the Local Planning Authority.
2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-
 - (a) the expiration of THREE years from the date of this permission
 - or
 - (b) the expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reserved Matters Consent

The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.

Full Consent

The development hereby permitted shall be commenced within THREE years from the date hereof.

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1 4/07/2319/0

RELOCATE HAVERIGG NURSERY SCHOOL AND NEW
COMMUNITY CENTRE
THE LIGHTHOUSE CENTRE,
C/O HAVERIGG PRIMARY SCHOOL, HAVERIGG, MILLOM,
CUMBRIA.
THE LIGHTHOUSE CENTRE

Parish Millom

- Have concerns over access from Atkinson Street and request a site visit.

Planning permission is sought for a new community centre, including the relocation of Haverigg Nursery School at Haverigg primary School, Atkinson Street, Haverigg.

At the 27 June 2007 meeting Members acceded to the Town Council's request for a site visit which took place on Wednesday, 11 July 2007.

The site is currently part of the school grounds and is a grassed area adjacent to the playing field, near to the boundary. There are a number of small trees on the area and three larger Scots Pine trees.

The proposal is for a new two storey building of contemporary design which will be used as a nursery and as a community centre for Haverigg. The current nursery in Haverigg is located nearby at Back Poolside but is a substandard facility in a converted building previously used as a mortuary. The new building will have a wet dash render and timber boarding on the elevations with sandstone walling on the corners of the building. The first floor community room is proposed to be cantilevered. It has a mock lighthouse structure to the end elevation which will house the lift for the building.

The nursery will provide accommodation for 38 children in total, aged 0-4 years. The facility will provide indoor and outdoor play space, a kitchen area, sleeping space and staff facilities. The community use provision allows for education, training and enterprise, social and recreational usage. It includes a large community hall and meeting room which can provide for educational usage. The integration of a kitchen and dining hall facility will provide lunchtime services to the primary school as well as the nursery.

The access will be through the existing entrance to Haverigg School, along with the parking provision. Two of the letters of objection that have been received relate specifically to the suitability of the access to the site raising concerns over traffic congestion in the area. However, the Highways Authority have raised no objections to the proposal, subject to conditions.

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During the site visit the Parish Council representatives commented that the impact of the building would be reduced by rotating the design so that the main elevation faced across the playing field rather than towards Atkinson Street. This also formed the basis of one of the objections received, that the building design in the chosen location would cause overlooking problems with the objector's property. These comments were relayed to the agents for the development who have now submitted amended plans changing the design as mentioned above. No further objections have been received in respect of these amended plans.

Other concerns raised in relation to the cost, funding and future usage of the building might be valid issues relevant to people within Haverigg but are outside the remit of planning and should, therefore, not be taken into consideration in the decision making process.

An objection has also been received from the Environment Agency regarding the proposal. The site is located in a high risk Flood Zone 3, and the Agency had requested that a site specific Flood Risk Assessment be submitted. This has now been considered by the Environment Agency and deemed satisfactory, subject to conditions, so that the Agency's objection has now been withdrawn. It is accepted that no alternative location within Haverigg is available or suitable for this project and it is desirable for the nursery to be located on an adjacent site to the school whilst the land is available due to being County Council owned. With regard to Flood Zones in Haverigg,

With regard to flood zones in Haverigg, it should be noted that approximately half the village is within a flood risk area and the current nursery location is in a Flood Zone. Also, measures to reduce potential flood risk have been included in the scheme such as raising the building above the natural ground level and a sustainable drainage system has been incorporated which will contain an underground rainwater recycling tank.

Overall, this proposal is considered to be acceptable in terms of Policy SVC 11 of the adopted Copeland Local Plan 2001-2016 which supports new education and community buildings. It is also considered that the proposal will be of benefit to the wider community of Haverigg and surrounding area.

Recommendation

Approve (commence within 3 years)

2. Permission shall relate solely to the amended drawings 7004:31A, 7004:32A and 7004:33A received by the Local Planning Authority on 17 July 2007.

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3. Details of proposed crossings of the highway verge and/or footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved in writing and the crossings have been constructed.
4. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to the development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.
5. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
6. Prior to the building being brought into use flood warning notices shall be erected in numbers, positions and with wording all to be agreed in writing with the Local Planning Authority, following consultation with the Environment Agency. The notices shall be kept legible and clear of obstruction at all times.

Reasons for the above conditions:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

For the avoidance of doubt

In the interests of highway safety

To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal

To ensure that the owners and occupiers of the premises are aware that the land is at risk of flooding

Reason for decision:-

An acceptable new educational and community facility within the settlement boundary for Haverigg in accordance with Policy SVC 11 of the adopted Copeland Local Plan 2001-2016

Informative:

The applicant should contact Karl Melville on tel no (01946) 852505 to discuss the requirements with regard to the modifications required to the school hazard markings. All costs associated with this will need to be met by the applicant.

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2 4/07/2488/0

EN-SUITE AND STUDY EXTENSION
11, CHURCHILL DRIVE, MORESBY PARKS, WHITEHAVEN,
CUMBRIA.
MR NEWTON

Parish

Moresby

- No comments received.

At the last meeting Members resolved to carry out a site visit before determining this application. The site visit took place on Wednesday, 3 October 2007.

Planning permission is sought to erect a single storey extension to the side of this detached bungalow on Churchill Drive, Moresby Parks, to provide an en-suite bathroom and study.

Measuring 3.0m in width by 8.4m in length the extension will be sited 0.3m from the boundary and 3.5m from the side elevation of the adjoining property to the south. Proposed external finishes comprise pebble dashed walls and a tiled roof to match the existing property.

No objections have been received from statutory consultees.

A single letter of objection has been received from the owners of the adjoining property to the south. Whilst the majority of concerns relate to the construction of the extension, which is not a material planning consideration, the objectors are also concerned about a reduction of light to their kitchen.

It should be noted that in addition to this side window the objectors have a conservatory to the rear of their property, also connected to the kitchen.

Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 supports proposals for the extension and alterations of existing properties. This is subject to criteria to ensure they would not lead to a significant reduction in daylighting available to either the parent property or adjacent dwellings.

In my opinion the proposed single storey extension represents an acceptable form of development in compliance with Policy HSG 20. Any impact of the development on the neighbouring property would be minimal and not so significant as to warrant refusal of planning

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permission.

Recommendation

Approve (commence within 3 years)

Reason for decision:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

Reason for decision:-

An acceptable extension to this existing residential property in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016

3 4/07/2497/0

REINSTATEMENT AND EXTENSION TO MILL HOUSE,
CONVERSION OF MILL BUILDING AND BARNs TO 7
HOLIDAY UNITS AND 1 RESIDENTIAL UNIT AND THE
ERECTION OF AN EQUESTRIAN CENTRE
MILL HILL FARM, KEEKLE, CLEATOR MOOR, CUMBRIA.
MR D MOSSOP

Parish

Weddicar

- Support the application but in response to public concern request improvements to the visibility

This application was deferred at the last Panel meeting to enable Members to visit the site to fully appraise the highway issues the application raises. The visit took place on Wednesday, 3 October 2007.

A proposal to restore and redevelop an isolated former farm building group near Keekle to provide 2 residential and 7 holiday units with the erection of an associated equestrian centre. A previous application for the development was withdrawn in April of this year to afford adequate time to prepare a flood risk assessment (4/07/2143/OF1 refers).

The site comprises the former Mill House and two adjoining barns of traditional two storeyed red sandstone construction. Opposite, across the adjacent unclassified minor road, is situated a large detached barn, known as the Mill Building, which is of similar

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construction. A further barn separate from the main building group is situated some 45 metres away. This again is a large detached building which abuts the boundary of a neighbouring dwelling/holding outside the application site. It is constructed of stone/brick with a rendered finish under a slate roof. It is the intention to house the equestrian centre in a paddock adjacent to this barn with associated access and parking.

The scheme involves the reinstatement of the dilapidated farmhouse and the erection of a substantial two storey stone and timber extension to provide a large 5 bedroomed dwelling. A new drive would also be constructed at a point some 15 metres to the east of the property in order to achieve adequate visibility splays which will sweep round and lead to a new detached double garage/parking area. Part demolition and conversion of two adjoining barns will provide an additional 4 bedroomed unit for holiday letting purposes. The Mill Building opposite is to be converted to a three storey holiday accommodation block in the form of 4 one bedroomed units with a new vehicular access to it provided a further 25 metres to the east with the existing one stopped up. This will enable access to an on-site courtyard parking arrangement comprising 8 parking spaces in front of the barn. Parking here will also serve the 4 bedroomed unit across the road. The remaining large barn will be converted to provide two holiday units each with 3 bedrooms and one single residential unit. Access and parking for this will be via the new road and an off shoot from it serving the equestrian centre. The existing agricultural access will be blocked up. A structural survey of the buildings accompanies the application and confirms their suitability for conversion.

Adjacent to this barn in an adjoining field it is the intention to erect a large steel framed agricultural building measuring some 30 metres in length, 16 metres wide by 7.2 metres high. Intended cladding materials include profiled sheeting and large timber doors. This would be served by a new access road alongside the field boundary and a car park for 12 cars. The Highway Authority expressed initial concerns regarding visibility and amended plans addressing this have been submitted. It is the applicant's intention to submit a further application for phase II of the project at some time in the future, the location for which is shown on the site plans but it should be noted that this is indicative only and forms no part of this application.

Part of the site is within Flood Zones 2 and 3 and therefore has a high probability of being prone to flooding. A satisfactory Flood Risk Assessment does accompany the proposal to which the Environment Agency raise no objections.

Four letters have been received from residents in the vicinity and one immediate neighbour who wish to raise the following points:-

1. The immediate neighbour has concerns regarding the proposed

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installation of one ground floor window in the neighbouring barn which looks directly onto their property. They also query where the foul drainage works are to be and request that surface water discharge from the roof is adequately discharged onto land the applicant owns and not theirs.

2. Increase in traffic along a narrow unclassified road which seems unsuitable for the numbers intended to use this scheme. Would like to see some improvements via footpaths and lighting. The road is in a current state of disrepair and not suitable for construction vehicles.
3. The equestrian centre is to be built adjacent to a neighbours field boundary and reassurance is requested that a suitable stock proof boundary is to be erected here.
4. Concerns that the size of the equestrian building will block neighbours views and may decrease the value of their property.
5. The junction onto the unclassified road at Whinney Hill is unsuitable for the increased volume of traffic. There have been many accidents here, some resulting in death. Similar concerns are also expressed about the junction with the Keekle/Moor Row Road.
6. Residents of Whinney Hill have specific concerns about the increase in traffic along the unclassified road to the site which also currently serves their 16 properties. They consider it cannot cope with any additional users. It is narrow/single width in parts, there are no pavements and there are sections which are so overgrown pedestrians have no way of being able to step out of the way of oncoming vehicles. There are 13 school children living here and their safety is our priority. Consider access to the site should be from Galemire Cross and not Whinney Hill and would welcome some form of traffic restriction.

In response to the above the following comments are provided:-

1. The offending window has now been deleted in the amended scheme. Details of the foul drainage scheme can be controlled by an appropriate condition. Other drainage concerns are essentially civil matters between the landowners concerned.
2. 5. and 6. - It is noted that access is along a narrow largely single width track and inevitably this development would increase the volume along it and that there is concern about the junctions leading onto it. However, in view of the potential traffic generation of the equestrian/holiday development the Highway Authority raise no objections to the amended scheme subject to certain conditions being included in any permission granted.
3. The request received from the Parish Council to improve

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visibility at the Galemire junction cannot be supported. It transpires that the applicant does not own any land in the vicinity and therefore any improvements are outside his control. However, Members were informed at the site visit by the Highway Control Officer of Cumbria County Council who attended, that there was already a planned highway improvement scheme for that junction. Also that a speed restriction along the Whinney Hill section to 30 mph was imminent.

4. The issue re boundary fencing could be appropriately controlled by condition as there are no details provided in the submission.
5. Concerns re affect on views and property values are not planning matters and should be disregarded.

There are several relevant adopted Copeland Local Plan 2001-2016 policies to be taken into account in assessing this application.

HSG 17 - This governs the conversion of the barns. The proposal satisfactorily meets all the relevant criteria of this policy. It has been demonstrated that the buildings are suitable subjects for conversion, are structurally capable of alteration and the amended design schemes preserve their essential character.

DEV 5 - Development in the Countryside. This supports certain leisure and tourism related developments in the countryside. The character and form of the development being essentially conversion with the new build element comprising the equestrian centre and associated vehicular accesses, is considered appropriate in this rural setting in accordance with this policy.

SVC 14 - Outdoor Recreation and Leisure Facilities. This supports such development as this which it has been demonstrated will not result in harm or be detrimental to the landscape/appearance of the local countryside, will not adversely affect neighbouring amenity or create unacceptable traffic conditions. Although local concerns have been raised about access/traffic it is not considered that the scale would be so significant to adversely affect local conditions.

DEV 6 - Sustainability in Design. The proposal meets all the relevant criteria of this policy providing a good standard of design with efficient use of land which is well related to existing infrastructure.

TSM - General tourism policies. The scheme is considered to generally accord with the Council's tourism policies. The local plan recognises that there is a shortfall of such tourist accommodation in the Borough and this initiative which will help increase provision is to be welcomed.

In summary, it is my opinion that the proposal to convert 3 redundant barns into 7 holiday and 1 residential units, reinstate a former

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dwelling and erect a new equestrian centre (as amended) satisfactorily complies with all the relevant policies as set out above. It represents a new, small scale tourism and leisure venture which is considered acceptable in this rural location.

Recommendation

Approve (commence within 3 years)

2. The design scheme, vehicular access and parking shall be implemented strictly in accordance with the amended plans (Drawing numbers 0693-10B, 06093-11B, 0693-12B, 0693-13B and 0693-14C) received by the Local Planning Authority on 4 September 2004.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no external alterations (including replacement windows, doors and roof covering) or extensions shall be carried out to the dwellings, nor shall any building, enclosure, domestic fuel container, pool or hard standing be constructed within the curtilage of the converted barns and dwelling house without the prior written consent of the Local Planning Authority.
4. Windows (including skylights) and doors shall be of timber construction and dark stained.
5. The roof covering shall comprise natural slate.
6. The existing sandstone walls to the barns shall be retained and repointed as necessary.
7. Before development is commenced the barns shall be surveyed for the presence of barn owls and/or bats by an expert approved by Natural England. The findings of the survey shall be confirmed in writing to the Local Planning Authority and appropriate measures undertaken to protect and relocate any species present in the buildings.
8. The development shall not commence until visibility splays providing clear visibility of 2.4 metres x 90 metres measured down the centre of the access roads and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. No structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or grown within the visibility splays which obstruct the visibility splays. The visibility splays shall be constructed before the development of the site commences so that construction traffic is safeguarded.

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9. Notwithstanding the submitted details, the access serving the Mill car park shall be widened to 5.0 metres from the bend to the access/junction, details of which shall be submitted to the Local Planning Authority before development commences.
10. Access gates to driveways/access road, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5 metres as measured from the carriageway edge of the adjacent highway and shall be incorporate 45 degree splays to each side.
11. The access drives shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 10 metres inside the site, as measured from the carriageway edge of the adjacent highway.
12. New windows and doors shall be of a type which cannot open outwards into the highway.
13. Access gates to pedestrian openings, if provided, shall be hung to open inwards only away from the highway.
14. There shall be no vehicular access to or egress from the site other than via the approved accesses, unless otherwise agreed in writing by the Local Planning Authority.
15. No units shall be occupied until the accesses and parking areas have been constructed in accordance with the approved details and shall be so maintained thereafter.
16. No development shall be commenced until a scheme for the disposal of foul drainage to the treatment plant has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.
17. No development shall commence until details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The units shall not be occupied until the approved scheme is constructed and completed.
18. The measures identified in the Flood Risk Assessment accompanying the application shall be fully implemented before the units are occupied and shall remain in force thereafter.

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19. Full details of the boundary treatment to the west of the equestrian centre access road shall be submitted to and approved in writing by the Local Planning Authority before development of the access road commences. The approved details shall be implemented before the equestrian centre is brought into use and so maintained thereafter.
 20. No development approved by this permission shall be commenced until a desk top study has been undertaken and agreed by the Local Planning Authority to investigate and produce an assessment of the risk for on-site contamination. The desk study shall include sufficient documentary research to enable a thorough understanding of the history of the site including past and present uses. If the desk study identifies potential for contamination then a detailed site investigation shall be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they shall be implemented in accordance with the assessment to the satisfaction of the Local Planning Authority.
 21. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reasons for conditions:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

For the avoidance of doubt

To safeguard the character and appearance of the development in the interests of amenity

To safeguard the traditional appearance of the barns in the interests of visual amenity

To ascertain the presence of protected species prior to conversion works commencing in the interests of the protection and conservation of existing wildlife on the site

In the interests of highway safety

To provide satisfactory drainage schemes

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To provide adequate safeguards in the event of flooding

To ensure that adequate boundary treatment is provided to the west of the development

To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health

To afford reasonable opportunity for a record to be made of buildings of architectural and historic interest prior to their alteration as part of the proposed development.

Reason for decision:-

An acceptable small scale tourism venture in this rural location to provide holiday accommodation and an equestrian centre in accordance with Policies HSG 17, DEV 5, SVC 14, DEV6, and general tourism policies of the adopted Copeland Local Plan 2001-2016.

4 4/07/2514/0

DEMOLITION OF EXISTING HALL, CONVERSION OF
EXISTING CHAPEL TO A NEW DWELLING & CONSTRUCTION
OF A TWO STOREY SIDE EXTENSION
KIRKLAND CHAPEL, LAKE VIEW, KIRKLAND, FRIZINGTON,
CUMBRIA.
MR A CLOSE-WEST

Parish

Lamplugh

- Members request a site visit.

The Members, whilst having no objections to the proposal to convert the chapel to a dwelling, had some disquiet regarding issues surrounding the development. Whilst appreciating that some of the issues are not planning issues they still wish to put them forward. They ask that the applicant is invited to address the issues, preferably in writing, before the application is considered by the Planning Panel.

1. Asbestos - it is believed that the Chapel and the hall have asbestos lining etc. How will this be dealt with given that there is no vehicular access to the property?
2. How is access before, during and after development going to be achieved given that wagons delivering skips, materials etc will

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not be able to access the site? During the development how is rubble etc going to be dealt with? How will construction materials etc be got to and stored on site?

3. The road outside Lake View is already a hazard for vehicles passing through Kirkland because of the heavy amount of parking already existing at Kirkland. More cars vying for parking spaces will increase the problem.
4. How many cars will require parking given the size of the development involved?
5. There is a telephone box, electric pole and notice board in the vicinity. What steps will be taken to prevent access to these being blocked?

At the last meeting Members resolved to carry out a site visit before determining this application. The site visit took place on Wednesday, 3 October 2007.

Full planning permission is sought to convert this dilapidated Chapel situated to the rear of existing residential properties at Kirkland into a dwelling. The Chapel fell into disuse during the early 1990's due to falling congregation levels and has remained unused since it was purchased in July 1997. Although not a Listed Building the Chapel is of historic merit and, as such, minimum external alterations are proposed in order to retain the historical character and features.

An existing timber framed hall extension measuring 9.4m x 4.9m is to be demolished and replaced with an 8.85m x 5.25m extension incorporating accommodation in the roof space.

At present the existing hall extension is sited at a minimum 4.2m from the adjoining boundary to the east and 15.5m from the neighbouring property of Chapel House. The new extension will increase the floor area by 0.4 sq m and, as such, will be sited at a minimum 3.75m from the boundary and 15.05m from the neighbouring property.

The extension will incorporate two slate hung dormer windows to the rear elevation and two conservation style roof lights to the front elevation. The extension will be finished externally with natural random stone walls and a natural slate roof to match the existing Chapel.

A 1.8m high timber trellis is proposed along the southern boundary to safeguard the privacy of the rear garden of 1 Lake View. Screen planting is also proposed along the eastern boundary with the Chapel House (the former Post Office).

The site is accessed via an existing pedestrian access from Fell View. No vehicular access or off-street parking is possible.

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The Highways Authority comments that the site has no off-road parking and it is impractical to secure any due to the nature of the site and, therefore, parking will be on-street.

Three letters of objection have been received from neighbouring property owners. The grounds for objection can be summarised as follows:-

1. The drawing entitled "existing site plan" does not accurately reflect the boundary wall of Chapel House nor does the application recognise Chapel House other than referring to it as "the former Post Office now a residential dwelling".
2. The former Chapel site is considerably elevated with nine windows shown in the front elevation plan, consequently overlooking and greatly reducing light levels of several properties and gardens, most significantly Chapel House and 1 Lake View.
3. The owners of 1 Lake View would lose total privacy in their garden as the Chapel and surrounding land runs the full length of the garden.
4. The proposed extension will be bigger than the existing hall extension.
5. Access to the property is pedestrian access only. This access is busy with public amenities, i.e. public telephone, post box, parish notice board and electricity supply pole, none of which are shown on the drawings.
6. Already 25 vehicles park on-street which does not include additional vehicles belonging to guests of neighbouring B & B/Holiday Lets. The road is already dangerous and used by Sellafield traffic, agricultural and forestry vehicles.
7. At present there are very few on-street parking spaces for existing residents and, due to the nature of this parking, traffic flow is virtually single file. Another residential property would exacerbate the difficulties.
8. The objectors find the statement "an unofficial meeting point of youths which has caused difficulties for the neighbouring residents" misleading as they have never experienced any type of adverse behaviour.
9. The building has sat unused, untouched and neglected for 9 years which residents have complained about. It seems unreasonable that neglect is being used as a positive argument for this development.
10. The only real beneficial effect would be returning the building

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to uses to benefit the village such as a meeting place; a nursery/creche, after school club; place to celebrate local history or a focal point for the village as an alternative to the Mission which is a place of worship.

11. The building was primarily granted planning permission for a workshop, which has never transpired. The building has been neglected in the hope that the planning department would allow a palatial palace to be built not in keeping with the history of the building or the local community.
12. Both the Chapel and hall extension contain asbestos.
13. Construction issues. How will vehicles access the site, sanitary arrangements, deliveries, siting of skips and removal of asbestos.

In response to the objections received I would comment as follows:-

1. Amended plans have been received proposing a 1.8m high timber trellis along the southern boundary and additional screen planting along the eastern boundary to help safeguard the privacy of 1 Lake View and Chapel House (the former Post Office).
2. It has also been confirmed by the applicant's agent that the three windows in the front elevation of the extension will contain frosted glazing up to the top two panes. Again, this is to safeguard the privacy of existing residents whilst retaining natural light.
3. Although the issues relating to construction and maintenance are not material planning considerations the applicant's agent has confirmed that they are aware of the asbestos and that removal will be undertaken by a licensed contractor. They also confirm that access to the telephone box, post office and notice board will remain unhindered and that rubble will be removed either by bagging it up or by applying for a local authority skip licence.
4. Whilst it is unfortunate that there is no on-site parking it is considered that the use as a community facility would generate a far greater amount of traffic than a single dwelling. Furthermore, it is considered that a community use in this predominantly residential area would be far more detrimental in terms of hours of operation.

Both Policies HSG 17 and SVC 12 of the adopted Copeland Local Plan 2001-2016 are considered relevant and supportive of the favourable determination of this application.

On balance it is considered that the proposed conversion to a domestic dwelling would result in the reinstatement of a significant historical building and introduce a sympathetically designed extension in accordance with Policies HSG 17 and SVC 12 of the

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adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

2. Permission shall relate solely to the amended plan (drawing no. C573/001 Rev C) received by the Local Planning Authority on 23 August 2007 except insofar as the ground floor windows in the front elevation of the extension shall be fitted with obscure glazing, the exception being the top panels as confirmed by the applicant's agent in his e-mail to the Local Planning Authority dated 4 October 2007.
3. Full details of the proposed screen planting shall be submitted to and approved in writing by the Local Planning Authority. The planting shall be carried out strictly in accordance with the approved details and shall be put in place prior to the dwelling being occupied.
4. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason for conditions:-

For the avoidance of doubt

In the interests of amenity for neighbouring residents

To ensure that a permanent record is made of the building of architectural and historic interest prior to its alteration as part of the proposed development

Reason for decision:-

An acceptable scheme to convert a vacant historical building to a dwelling and provide a sympathetically designed extension in accordance with Policies HSG 17 and SVC 12 of the adopted Copeland Local Plan 2001-2016.

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5 4/07/2520/0

ERECTION OF 21 DWELLINGS COMPRISING 4 BUNGALOWS,
4 TERRACED HOUSES & 13 DETACHED HOUSES,
HARDSTANDINGS, GARAGES & ASSOCIATED WORKS
LAND AT GHYLL BANK, LOWCA, WHITEHAVEN, CUMBRIA.
MR J JACKSON, PERSIMMON HOMES

Parish

Lowca

- No reply to date.

The development site was formerly a pre fab development at Ghyll Bank, Lowca. Outline planning permission was granted for residential development on the site in November 1994. The development is around a straight cul-de-sac which has bungalows developed on either side at the southern end.

The development comprises four 3 bedroomed dormer bungalows opposite existing bungalows; four 2 bedroomed terraced houses; seven 3 bedroomed detached houses and six 4 bedroomed houses. The four terraced houses have 6 parking spaces between them and apart from two of the bungalows, which have outdoor parking for two cars each, the remainder of the development has one garage plus drive space per property. The bungalows and the majority of the detached dwellings are shown to have "optional" conservatories.

The application is accompanied by a Design and Access Statement and a Transport Statement. The surrounding area has a mixed character and form with a predominance of terraced properties. This tight layout grain provides an urban form which has been followed in the proposed layout. The site slopes from north to south and because of this, and due to the existing bungalows, bungalows are proposed at the southern end of the site to protect the amenity enjoyed by existing residents and to maintain the single storey scale of that part of the site. Two storey houses have been positioned at the northern part of the site to enable enjoyment of the wide views. Lowca is a settlement which is positioned on a hillside and therefore views into it are possible from a variety of public vantage points. Whilst the site will be visible, the use of two storey will not appear unduly prominent or incongruous given the existing prevalence of two storey development around the site. The design of the properties has followed that of other similar modern developments in the village. Materials to be used will be brick with tile roofs.

The design approach to "soft" landscape treatment of the site will combine a framework of structural planting along the periphery of the site that will help to define and enclose it when viewed from the surrounding area, together with ornamental planting that will provide an attractive "green" setting of year round interest. Within the framework provided by structural planting, landscaping of the site interior will be characterised by a combination of trees, amenity

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shrub planting and grass areas that will form an attractive ornamental setting which will be framed by the proposed dwellings.

The main Local Plan policies relevant to this application are:-

- DEV 1 Sustainable Development and Regeneration
- DEV 3 Local Centres
- DEV 6 Sustainability in Design
- HSG 1 Existing Planning Permissions
- TSP 6 General Development Requirements
- TSP 8 Parking Requirements
- SVC 1 Connections to Public Sewers
- SVC 4 Land Drainage

Lowca is classed as a "Local Centre" in the Local Plan and the site lies within the settlement limit. Planning permission exists on the site for 11 dwellings and the site is acceptable for residential development in the Local Plan. The land is currently vacant and is a former residential site, (brown field site). The proposed development of 21 dwellings is compatible with development in the area and represents a residential density of 38 dwellings per hectare.

Access to the site is via a constructed cul-de-sac. The Highway Authority has requested a Stage 1 Road Safety Audit and this has been sought from the developer. There are concerns about the visibility which can be achieved at the exit from the cul-de-sac and traffic calming measures have therefore been sought from the developer.

United Utilities (UU) have no objection in principle, provided the site is drained on a separate system, with only foul drainage being connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. A public sewer crosses this site and UU will not permit building over this main. UU require an access strip of no less than 6 metres wide, measuring 3 metres either side of the centre line of the sewer, for maintenance or replacement.

The Council's Engineer raised issues of surface water drainage and a detailed drainage scheme has been submitted. A response to this scheme is awaited from Environmental Health.

It is considered that the development will enhance this area and provide a suitable form of development for this site. The scale of development and the elevations and materials are considered to be appropriate for the site. The landscaping of the site will be conditioned.

Recommendation

Approve (commence within 3 years)

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2. This permission relates only to the following plans and documents, as amended on the respective dates:-

Location plan GBL.PO3 received 30 August 2007
 Planning layout GBL.PO1 received 3 October 2007
 Fencing layout GBL.PO2 received 7 August 2007
 Floor plans GIL.07A received 7 August 2007
 Floor plans DIC.07A.PO1 received 7 August 2007
 Floor plans DOL.07A.PO1 received 7 August 2007
 Floor plans GIL.070.PO3 received 7 August 2007
 Floor plans CHE.07A.PO1 received 7 August 2007
 Elevations GIL.07A.PO2 received 7 August 2007
 Elevations DIC.07A.PO2 received 7 August 2007
 Elevations DOL.07A.PO2 received 7 August 2007
 Elevations GIL.07A.PO4 received 7 August 2007
 Elevations CHE.07A.PO2 received 7 August 2007
 Optional conservatory plans and elevations CON.07A.SDM07 received 7 August 2007
 Drainage plan (site layout) 161/100A received 6 September 2007
 Design and Access Statement received 14 August 2007

3. Notwithstanding the approved drawings, no development shall take place until samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development approved by this permission shall be commenced until the access and parking requirements have been constructed, drained and lit in accordance with the approved details. Any such access and parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior written consent of the Local Planning Authority.
5. No development approved by this permission shall be commenced until full details of the surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate some form of sustainable drainage system (SuDS) (Building Regulations Approved Document H (DTLR 2002)) as part of the development.
6. No development approved by this permission shall be commenced until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority and such a scheme shall include:-
 - (a) details of all boundary treatments, including planting and the exact locations, heights and materials of all fences and/or screen and retaining walls

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- (b) details of materials to be used in all hard surfacing
 - (c) planting details including species, heights, location and spacing
 - (d) a timetable for carrying out the scheme.
7. The approved landscaping scheme shall be implemented within the first planting season following the commencement of occupation of the site. Any tree or shrub found dead or dying within five years of planting shall be replaced by specimens of similar type and size, to the satisfaction of the Local Planning Authority
8. Before development commences a scheme of landscape maintenance shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscaping scheme shall be carried out in accordance with the approved schedule.

The reasons for the above conditions are:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

For the avoidance of doubt

In the interests of visual amenity

To ensure a minimum standard of construction in the interests of highway safety

To prevent pollution of the water environment

To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal

In order to enhance the appearance of the development and minimise the impact of the development in the locality

Reason for decision:-

The development accords with the Local Plan and completes this small residential development in Lowca

Notes:-

The applicant's attention is drawn to the contents of the letter dated 4 September 2007 from United Utilities

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6 4/07/2542/0

EXTENSION TO TWO SIDES OF PROPERTY TO FORM SIX
BEDROOM RESPITE UNIT FOR PEOPLE WITH LEARNING
DISABILITIES
55A, NORBECK PARK, CLEATOR MOOR, CUMBRIA.
PROGRESS HOUSING GROUP

Parish

Cleator Moor

- Request a site visit. Raise questions over the suitability of a proposed galvanised boundary fence and request a more aesthetically pleasing one to be installed. Suggested that the applicants arrange to meet with neighbouring residents to allay concerns they may have and afford the opportunity for residents to ask questions.

It was agreed at the last meeting to carry out a site visit to appraise all the relevant planning issues the application raises given the level of local concern expressed and the request of the Town Council. This took place on Wednesday, 3 October 2007.

Planning permission is sought to use this existing 3 bedroomed detached bungalow as a respite unit for adults with learning disabilities. The bungalow is situated in its own extensive grounds at the northern end of Norbeck Park, a private residential estate within the town. Vehicular access will remain as existing off the cul-de-sac head.

Accommodation will be provided for six people on the site with resident care via two large, single storey extensions to either gable end. These will enable six en-suite bedrooms for guests, a staff bedroom and snoozalum to be created together with ancillary facilities. It is intended that the driveway and part of the side of the property will be hard landscaped to provide adequate parking for staff and drop-off facilities for clients.

To date 13 letters have been received from residents of Norbeck Park and the adjacent Crossings Close. Collectively they raise the following objections to the application:-

1. Concerns that this is a private residential estate and such a business should not be allowed.
2. The type of residents this could permit and its short term nature. Learning disabilities has a broad remit. For the safety of all adults and children on the estate even the smallest potential for violence/destruction is not acceptable. Concern that the residents may be able to come and go as they please and the effect this may have on the close knit community and the

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safety of local children.

3. Site is unsuitable. Nor Beck runs through it and is susceptible to flooding. This raises a safety issue for potential residents.
4. Access and increase in traffic. There is only one point of entry and exit for the site which is at the bottom of a small and very quiet cul-de-sac which could not cope with the increase in volume of traffic. Concern that this quietness and safety will be affected given the scale of the proposal and the number of traffic movements this will bring day and night.
5. Effect on property values.
6. Could lead to an increased police presence due to the behaviour of residents.
7. Could encourage undesirables to congregate on the estate.
8. Siting is not appropriate within a safe family friendly and private residential estate.
9. The large perimeter fence and large extensions will be unsightly and have a detrimental effect on neighbouring properties.
10. Adverse affect of construction traffic on existing residents.
11. Existence of a restrictive covenant on part of the site which currently legally prevents one of the extensions from being erected.

From a planning point of view the relevant issue to consider here is whether this is an appropriate use in this location. Concerns regarding type of residents and behaviour are management matters for the operators of the premises, not material planning considerations. Property values and covenants are also irrelevant. The concerns regarding access, traffic and potential effect on residential amenity arising from these and the physical extensions to the property on the other hand are relevant and warrant careful consideration.

It should be noted that since the site visit took place amended plans have been received which show the provision of a formal block paved parking area immediately adjacent to the large extension at the northern end of the property. Parking and turning for some 5 vehicles (including accessible bays) is intended here. Reconsultation has taken place with the Highway Authority and their response will be presented verbally to the meeting.

Part of the proposed extension to the north will, due to the reduced separation distances involved, have an impact on an existing property on neighbouring Crossings Close. There are habitable room windows belonging to this property which will be overlooked by side windows

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in the proposed extension. In an attempt to mitigate the potential adverse affect of this the recent amended plan proposes to relocate one of the side bedroom windows at the far end of the extension to the gable end and the neighbouring en-suite window will be fitted with translucent glass, which is considered acceptable.

The relevant policies controlling this type of development are HSG 18 and HSG 19 of the adopted Copeland Local Plan 2001-2016. The former permits such care homes in residential areas providing any extensions proposed are of a suitable scale and design in respect of the parent building and are compatible with its surroundings, there is adequate off-street parking and amenity space provided and that the extensions do not create amenity problems for adjacent properties. The latter policy advocates strict control over such uses to ensure that groups of such uses do not occur to the detriment of residential amenity. As this is the only care home being proposed in the vicinity then this is not a relevant issue.

In my opinion the proposal, as amended, represents an acceptable use for this property in accordance with Policies HSG 18 and HSG 19 of the local plan.

Recommendation

Approve (commence within 3 years)

2. On-site parking and turning facilities shall be provided strictly in accordance with the amended site layout plan (drawing No 107-03-01-02) received by the Local Planning Authority on 4 October 2007 before the development hereby approved is brought into use.
3. The window to bedroom 3 shall be relocated to the gable end in accordance with the amended floor plan and elevational drawings (02/A and 03/A) received by the Local Planning Authority on 4 October 2007.
4. Notwithstanding the submitted drawings, full details of all boundary treatments shall be reserved for subsequent approval by the Local Planning Authority before development commences. Boundary treatments shall be provided strictly in accordance with the approved details before the development hereby approved becomes operational.

Reasons for the above conditions:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

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For the avoidance of doubt

To retain control over the boundary treatment in the interests of amenity

Reason for decision:-

Use of this property as a respite unit, together with the proposed extensions, is considered an appropriate form of development in accordance with Policies HSG 18 and HSG 19 of the adopted Copeland Local Plan 2001-2016

7 4/07/2545/0

SMOKING SHELTER
MIREHOUSE LABOUR CLUB, HONISTER ROAD, MIREHOUSE,
WHITEHAVEN, CUMBRIA.
FAO MR L BURNS

Parish Whitehaven

Following the introduction of the new smoking legislation on 1 July 2007 planning permission is sought to erect a 2.4m x 1.9m smoking shelter at the front of Mirehouse Labour Club, Honister Road, Mirehouse.

The 2.4m high shelter has a colour coated metal frame with clear perspex sides and perforated sheet steel backing. The front of the shelter will face the front of the club and will be sited at a minimum 1.0m away from the adjoining boundary to the south and 7.0m from the neighbouring property.

It is proposed to heighten the existing boundary fence to 1.5m in order to act as a barrier between the two properties. The fence panel nearest to the pavement will remain as existing in order to maintain visibility to the highway.

No objections have been received from statutory consultees.

Two letters of objection have been received from the adjoining property owner to the south. The grounds for objection can be summarised as follows:-

1. The proposed smoking shelter will overlook the objector's drive, front garden and side of the property.

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2. The introduction of the smoking ban has resulted in numbers of club members congregating at the front door. This results in noise, especially at night; concentrated cigarette smoke and litter. As such, the objector has to keep her landing window closed during club opening hours.
3. The area in question is on a raised elevation to the objector's property which it overlooks.
4. The siting of the shelter with its back to the roadway will channel noise and fumes sideways towards the objector's house.
5. There are entrances at the rear of the property overlooking waste ground which would be a more appropriate place for this type of facility.
6. The steps and path to the front of the club are bounded by a 1m high wall. Anyone using the space where the shelter is proposed will have to exit the club, walk onto the pavement and then back up to the shelter.
7. The objector would have no objection to the shelter being sited on the area currently designated for disabled parking.

In response to the objections raised I would comment as follows:-

1. The applicants have confirmed that the existing boundary fence running parallel with the objector's property of No 41 Honister Road will be raised to a height of 1.5m in order to act as a barrier between the two properties.
2. It should be noted that this area to the front of the club is already a designated smoking area and should the application be refused, this area will continue to be utilised for this purpose.
3. The club does not own any of the adjoining land to the rear and, as such, this is deemed to be the most suitable location for the smoking shelter.
4. In response to the objections raised, the applicants confirm that the disabled parking bay is on too much of a slope and is only 3.8m wide making it unsuitable for a smoking shelter. Furthermore, it would be next to open windows which would contravene regulations.

Having considered the comments raised by the objector the applicants wish for the application to be determined as it stands.

In my opinion the proposed smoking shelter represents an acceptable form of development in association with this existing club and, as such, is favourably recommended.

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Recommendation

Approve (commence within 3 years)

2. Prior to the shelter becoming operational the boundary fence adjoining No. 41 Honister Road shall be increased in height to 1.5m with the exception of the first panel nearest the pavement as confirmed by the applicants in their letter to the Local Planning Authority dated 24 September 2007.

Reasons for the above conditions:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

In the interests of amenity

Reason for decision:-

An acceptable form of curtilage development in association with this existing club.

8 4/07/2549/0

OUTLINE APPLICATION FOR PROPOSED AGRICULTURAL
DWELLING
HIGH FARM, MORESBY, WHITEHAVEN, CUMBRIA.
MR & MRS T ROME

Parish Moresby

- No comments received.

Outline planning permission is sought to erect an agricultural dwelling close to the existing building group on this established farm at Moresby. The application is supported by an agricultural report.

The farm unit comprises a stock rearing enterprise over some 135 ha in the vicinity and has been in operation here for some 25 years. There is currently one farmhouse on the holding which accommodates the farmer, his wife and son together with several large agricultural buildings including two lambing sheds, a cubicle shed and a fattening shed for housing stock as well as general storage buildings.

It is the intention that the proposed dwelling would be sited on an area of vacant land which lies between the main building group and

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and the main access to the farm and would be well screened from the road by an existing established hawthorn hedge. This siting would benefit farm operations by providing additional security adjacent to the main farm access which is an area that is currently vulnerable.

An independent agricultural appraisal undertaken supports the requirement for a second dwelling on this large holding, the conclusion of which is appended. The report clearly demonstrates that in the interests of the well being of the livestock, particularly in this instance when suckler cows are calving and breeding ewes are lambing, and for the efficient running of the holding and overall security, it is essential that two full time workers are actively involved in the management of the farm and resident on or immediately adjacent to it. Whilst the existing farmhouse fulfils the need for one of the full time workers another one is therefore required.

Policies DEV 5 and HSG 5 of the adopted Copeland Local Plan 2001-2016 are the relevant policies against which this application should be assessed. The agricultural report clearly justifies the need for an agricultural dwelling and the siting is considered acceptable in accordance with local plan policy criteria.

Recommendation

Approve in Outline (commence within 3 years)

3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or a widow or widower of such a person, and to any resident dependents.
4. No development shall commence until a scheme for the disposal of foul drainage to the septic tank has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the septic tank has been constructed and completed in accordance with the approved plans.

Reasons for the above conditions:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

The Local Planning Authority would not be prepared to grant planning permission for the erection of a dwelling on this site except for occupation by persons so employed

To prevent pollution of the water environment

Reason for decision:-

HIGH FARM, MORESBY, WHITEHAVEN

**REPORT ON THE AGRICULTURAL NEED RELATING TO A
PROPOSED PERMANENT AGRICULTURAL WORKER'S DWELLING**

Capita Symonds
Clint Mill
Cornmarket
PENRITH
Cumbria
CA11 7HP

Tel: 01768 242340

September 2007

CAPITA SYMONDS

10.0 Conclusions

I therefore conclude by advising as follows:-

1. There is a clearly established existing functional need in relation to this holding for two full time workers, actively involved in the management of this unit to be resident on or immediately adjacent to it. The functional test is therefore met.
2. The labour requirement based on the existing stocking and cropping is calculated at just under 3 full time workers, including the use of contractors and casual staff and therefore the labour requirement test is met.
3. The business has been established for many years and is currently financially viable and therefore the financial test is met.
4. The existing farmhouse at High Farm only meets the requirement to house one of the two full time workers, actively involved in the management of this unit that are required to be resident on or immediately adjacent to this holding.



A G Jackson BSc FRICS FAAV
September 2007

28

The erection of a dwelling in this location is supported on agricultural need grounds in accordance with Policies DEV 5 and HSG 5 of the adopted Copeland Local Plan 2001-2016

9 4/07/2558/0

CHANGE OF USE FROM SHOP TO CAFE/BISTRO
4, MARKET SQUARE, MILLOM, CUMBRIA.
THE CLOCK TOWER (MILLOM) LTD.

Parish Millom

- No objections

Retrospective planning permission is sought for the change of use from shop to cafe/bistro at 4 Market Square, Millom.

The shop, which was previously in use as a newsagents, is situated on the Market Square adjacent to the Clocktower building. This was given consent in September 2006 (4/06/2482/0 refers) for the change of use to a civil wedding ceremonial area and the above building has since been linked to the Clocktower building internally.

No external changes are proposed or have been made to the building other than new signage relating to the cafe use.

One letter of objection has been received from the occupiers of neighbouring business premises whose concerns can be summarised as:-

1. There are already a number of food outlets within the Market Square and surrounding area and the addition of a further unit will affect the established businesses of the same nature. Also, the additional unit of this nature will spoil this prominent area of Millom which is also a Conservation Area.
2. The change of use has already taken place before permission was applied for.

In response to these concerns I would comment that the number of similar businesses within a particular area is not a material planning consideration. Also, in planning policy terms the use of a property within the Market Square as a cafe is considered acceptable.

Whilst the retrospective nature of the application is not to be condoned this is not a reason to refuse planning permission and

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should not affect the decision that is made. Overall the change of use to a cafe is viewed as acceptable.

Recommendation

Approve (commence within 3 years)

Reason for condition:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

Reason for decision:-

An acceptable location for a food and drink use in accordance with Policy TCN 14 of the adopted Copeland Local Plan 2001-2016.

10 4/07/2560/0

EXTENSION

WINTON HOUSE, 14, RHEDA PARK, FRIZINGTON,
CUMBRIA.

MR & MRS T KNOWLES

Parish

Arlecdon and Frizington

- No objections.

Planning permission is sought to erect a two storey extension to the gable end of this detached house situated within the Rheda Park residential estate. The extension measuring 5.0m x 4.5m, will be set back 2.85m from the existing house frontage.

Internally the extension will provide a family room and separate WC at ground floor level with a bedroom and ensuite bathroom above. Proposed external finishes comprise facing brick, painted render, concrete roof tiles and white UPVC windows, all of which match the existing property.

Two letters of objection have been received from neighbouring property owners. Whilst they do not object to the extension itself the following issues are raised:-

1. Concerned over the continued deterioration of the associated access road which, through a lack of maintenance, has become unsafe for foot and cycle traffic.

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2. Increased traffic initially by construction vehicles and subsequently the increase in domestic use which can only lead to a greater deterioration in the road surface.
3. Condition of the road is responsible for increased wear and tear on the objectors' vehicles and driveway.
4. Would like assurances/condition that the road surface will be maintained and repaired whilst work is in progress and once completed.
5. The intention to alter or divert a public right of way, yet no explanation is contained in the proposal.
6. Object to any form of additional detached dwelling on this site.

No objections have been received from statutory consultees.

Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 states that proposals for extensions or alterations to existing dwellings will be permitted so long as:

1. the scale, design and choice of materials involved respect the character of the parent property with the use of pitched roofs wherever practicable
2. they would not lead to a significant reduction in daylighting to either the parent property or adjacent dwellings
3. they would not create noise nuisance, security or privacy or overlooking problems for residents of either the parent property or adjacent dwellings
4. they would not result in a loss of 50% or more of the undeveloped curtilage of the parent property

In my opinion the proposed domestic extension represents an acceptable form of development in compliance with Policy HSG 20.

Recommendation

Approve (commence within 3 years)

Reason for condition:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

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Reason for decision:-

An acceptable extension to this existing detached dwelling in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016

11 4/07/2562/0

OUTLINE APPLICATION FOR ONE DWELLING
LAND ADJACENT TO 3, MONKWRAY VILLAS,
MONKWRAY BROW, WHITEHAVEN, CUMBRIA.
MR AND MRS J B PRATT

Parish Whitehaven

Outline planning permission is sought for the erection of a dwelling on garden land to the side and rear of an existing semi-detached house at Monkway Brow, Whitehaven.

Whilst submitted in outline the applicant wishes the layout and means of access to be determined at this stage. The layout plan submitted shows how the proposed dwelling would be sited abutting the gable end corner of the applicant's existing house with parking area immediately adjacent to a neighbouring property.

A substantial boundary wall and four trees run along the northern boundary of the site, all of which are to be retained.

Vehicular access to serve the site would be off Monkway Brow, utilising the existing access running along the front and to the side of existing properties and leading to the rear garden where the dwelling would be sited. Cumbria County Council's Highway Officer comments that the proposed access arrangements do not adequately demonstrate that sufficient on-site car parking and turning facilities are available to serve all 3 units and that the proposal should be amended.

No objections have been received in response to neighbour notification procedures.

The site is located within the settlement boundaries for Whitehaven as defined by the adopted Copeland Local Plan 2001-2016. Policy HSG 4 states that within the defined limits of settlements prescribed by Policy DEV 4 proposals for housing redevelopment involving existing buildings or previously developed land will be permitted in accordance with the provisions Table HS8 and subject to the requirements of other

plan policies, in particular Policies HSG 8 and DEV 6 which relate to design.

Policy DEV 6 sets out the Council's design principles for new development. In particular, criterion 1 requires development to show a high standard of design where building scale, density and proportion, landscaping and overall layout contribute to creating or maintaining a strong sense of place and achieves an efficient use of land. Criterion 9 goes on to state that by design and choice of location creates or maintains reasonable standards of general amenity and helps to minimise risk of fears for personal safety, health and the security of property.

Policy HSG 8 states that in addition to Policy DEV 6, the design of all new housing development must retain a minimum of 21.0m between facing elevations of dwellings containing windows of habitable rooms and a minimum of 12.0m between facing elevations of dwellings containing windows of habitable rooms and a gable or windowless elevation.

Although this application seeks outline consent the Council must be satisfied that an acceptable form of development can be accommodated on the site.

Whilst there are no direct facing elevations, both the south (front) and east facing elevations of the proposed dwelling would be at right angles to elevations of existing properties containing habitable room windows.

Occupants of 3 Monkway Villas would have the ability to look directly into the garden area of the proposed dwelling and, likewise, occupants of the proposed dwelling would have the ability to look directly into windows of No. 3. In addition to this the proposed parking area would lie directly adjacent to this side elevation of 4 Monkway Villas, thus allowing occupants of the proposed dwelling to look directly into this existing kitchen window.

In my opinion the proposal fails to satisfy criteria set out in Policies HSG 4, HSG 8 and DEV 6 insofar as it relates to a site situated to the rear and side of existing residential properties where the potential for adversely affecting the living conditions of the occupants of these properties through overlooking and resultant loss of privacy is considered unacceptable.

Furthermore, it is considered that a dwelling on this site would lead to a lowering of housing standards for the parent property through the loss of amenity space, being left only with a narrow strip of garden to the side and rear and a parking area to the front.

Recommendation

Refuse

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By virtue of its siting and layout to the side and rear of existing residential properties, the proposed development is considered likely to give rise to problems of overlooking and resultant loss of privacy for the residents of 3 and 4 Monkway Villas. Furthermore, the proposed development would lead to an unacceptable reduction in residential standards and general amenity for the residents of existing properties at Monkway Villas, contrary to Policies HSG 4, HSG 8 and DEV 6 of the adopted Copeland Local Plan 2001-2016.

12 4/07/2574/0

TWO STOREY EXTENSION

12, THE CREST, WHITEHAVEN, CUMBRIA.

G SMITH

Parish

Whitehaven

Planning permission is sought to erect a two storey extension to the side of this semi-detached property at Hillcrest, Whitehaven. An existing single storey extension will be demolished to accommodate the development.

Measuring 3.8m in width by 7.5m in length, the extension will be 0.95m wider than the existing extension and will be sited 3.85m from the boundary and 13.15m from the rear elevation of the neighbouring property to the north.

Internally, the extension will provide a sitting room and dining room at ground floor level with an additional bedroom and en-suite bathroom above. Externally the extension will be finished with dry dash render, concrete roof tiles and UPVC windows and doors, all of which match the existing property.

No objections have been received from statutory consultees.

A single letter of objection has been received from the owners of the neighbouring property to the north, no. 23 Highfields, who are concerned that the extension would be in line with the view from their house and would be too near their property. They comment that they have a short back garden which their dining room and kitchen look out onto and, as such, the building would be in their face.

Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 states that proposals for extensions or alterations to existing dwellings will be permitted so long as:-

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13 4/07/2582/0

ERECTION OF A SMOKING SHELTER
 THE HAVEN CLUB, CLEATOR MOOR ROAD, WHITEHAVEN,
 CUMBRIA.
 THE HAVEN CLUB

Parish

Whitehaven

Following the introduction of the new smoking legislation on 1 July 2007 planning permission is sought to erect a 1.8m x 3.6m smoking shelter at the rear of The Haven Club, Cleator Moor Road, Hensingham.

The 2.4m high steel framed shelter will be sited 1.0m from the rear of the club and at a minimum 4.5m from the boundary with No. 1 Coach House. It will be open at the front and rear with enclosed sides. The steel construction has been chosen for safety reasons in that this area acts as a meeting place for children from the nearby school who often trespass onto walls and other structures.

A single letter of objection has been received from a neighbouring property owner to the rear. The grounds for objection can be summarised as follows:-

1. Issues relating to noise have already been raised with the environmental health department. The objector feels that by putting the shelter in its proposed location will only add to the noise and make more work for environmental health that have to come up and monitor.
2. There are a lot of problems with school children congregating in and around the Haven Club. The school and Cumbria Constabulary are regularly called to this area. Putting the shelter in the proposed position will only give children more cause to come as they can use the shelter as a meeting place to keep out of view and keep warm and dry.
3. The shelter will cause problems given that the objector is a shift worker.
4. The objector would like the shelter to be built at the side or to the front of the club which would eliminate any noise that may be caused. It would also be visible to teachers and the police making it a no go area for the children.

The Council's environmental health department are concerned that the smoking shelter situated at the rear of the premises would generate noise nuisance to the neighbouring properties of Coach Houses. They have already experienced problems as a result of informal groups of smokers who congregate outside the rear door and the fact that children from the neighbouring school would use the shelter unofficially. They recommend that the shelter is situated as near to

17 OCT 07
MAIN AGENDA

1. The scale, design and choice of materials involved respect the character of the parent property with the use of pitched roofs wherever practicable.
2. They would not lead to a significant reduction in daylighting available to either the parent property or adjacent dwellings.
3. They would not create potential noise nuisance, security or privacy or overlooking problems for residents of either the parent property or adjacent dwellings.
4. They would not result in a loss of 50% or more of the undeveloped curtilage of the parent property.

The rear elevation of No. 23 Highfields is situated 9.3m from the boundary and, as such, will be 13.15m from the proposed extension. It is also worth noting that the proposal will result in the removal of an existing first floor window in the side elevation of the parent property which directly faces the rear elevation of the neighbouring property.

I am, therefore, of the opinion that the proposed domestic extension represents an acceptable form of development in compliance with Policy HSG 20.

Recommendation

Approve (commence within 3 years)

Reason for condition:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

Reason for decision:-

An acceptable extension to this existing semi-detached property in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016

FAX COPY

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Mrs P Pomfret
Planning Assistant
Planning Section
Copeland Borough Council
Catherine Street
Whitehaven

9th October 2007

Dear Mrs Pomfret,

PLANNING APPLICATION FOR A SMOKING SHELTER AT THE HAVEN CLUB, HENSINGHAM, WHITEHAVEN.

Thank you for your recent letter regarding the above application, a copy been passed to the committee members of the Haven Club and they have instructed me to reply on their behalf. Please take this letter as part of the application and should be copied to members prior to any panel meeting.

The location of the shelter is shown adjacent to the main entrance into the Club, all members use this disabled friendly entrance to access all areas of the Club and is easily controlled by the staff to provide full security.

A number of the members are disabled, several being wheelchair bound, the building is at present being altered to make the interior 'wheelchair' friendly with a fully equipped disabled WC being installed. To move the shelter away from the entrance would mean that both disabled and able bodied members being exposed to the elements while travelling the additional distances from the entrance.

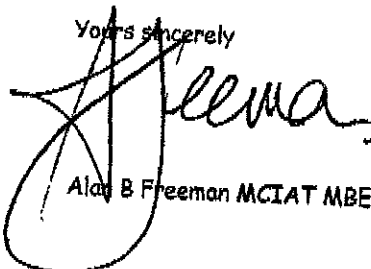
A wall up to 18 foot high separates the rear of the Haven Club premises and grounds from the neighbours, this will prevent any additional sound from travelling to the neighbouring properties. If the Council feel that the lower section should be built up to the full height of the remaining wall to reduce any possible further noise, the Club would agree to this as a condition of the approval.

The Police have been consulted by the Club, with the Public House/Club Liaison Officer agreeing that the location shown provides maximum security for the smokers and they can be easily observed as they use the facility, during opening hours.

His advice regarding children being on the premises and within the grounds during the day is that it is not legally the problem of the Club, during school hours and term time the responsibility lies with the two near by schools, who are liable for the well being of children attending their schools. He advised that signs are erected to point out that anyone within the grounds without permission are committing Civil Trespass and could be liable to prosecution.

The Club have also pointed out that other premises such as 'The Richmond' have erected smoking shelters adjacent to the main entrance, located to provide both comfort and ease for the users and security for the premises.

Yours sincerely



Alan B Freeman MCIAT MBEng ICIOB

Registered in England
Company No. 4615995

MAIN AGENDA

the front of the building as practicable in view from the road.

A copy of the applicants agent's response to the concerns raised is appended to this report.

Policy DEV 6 sets out the Council's design principles for new development. In particular criterion 9 states that by design and choice of location creates or maintains reasonable standards of general amenity and helps minimise risk or fears for personal safety, health and the security of property. In my opinion the proposed smoking shelter fails to comply with criteria set out in Policy DEV 6 in that it is likely to have an adverse impact on neighbouring residential properties in terms of the generation of an unacceptable level of noise and, as such, is recommended for refusal.

Recommendation

Refuse

By virtue of its siting to the rear of this existing social club the proposed smoking shelter is likely to have an adverse impact on the neighbouring residential properties of Coach Houses in terms of the generation of an unacceptable level of noise and general disturbance and, as such, is at variance with Policy DEV 6 of the adopted Copeland Local Plan 2001-2016.

14 4/07/2583/0

CHANGE OF USE FROM BAKERS SHOP TO HOT FOOD
TAKEAWAY

11, TANGIER STREET, WHITEHAVEN, CUMBRIA.
MR R OPAN

Parish

Whitehaven

In May 2007 an application to change the use of the former Pat-a-Cake Bakery on Tangier Street to a hot food takeaway was withdrawn following concerns regarding storage of trade waste and the odour control system (4/07/2229/0F1 refers).

This application again seeks consent to change the use of this vacant property to a hot food takeaway specialising in fried chicken and pizzas. This revised scheme seeks to overcome the previous recommendation for refusal through the use of a different ventilation system and by proposing to coordinate rubbish collection with an existing property also within the applicant's ownership.

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Externally the building will remain unaltered with the addition of black powder coated external light fittings to illuminate new signage which will form part of a separate application for advertisement consent.

The extraction system will be installed internally and will discharge above eaves level, projecting 1.45m through the existing slate roof facing Hicks Lane.

It is proposed to co-ordinate solid waste disposal with an adjacent business at 7 Tangier Street which is also within the applicant's ownership.

Two letters of objection have been received from owners of the adjoining Post Office and Waverley Hotel. The grounds for objection can be summarised as follows:-

1. There are at least 14 takeaways within 100m of both the objector's premises and there is a definite correlation between the increased numbers of food outlets and the disgraceful state of our streets in the early morning which are littered with discarded food, food cartons, wrappers, pizza boxes and vomit. This does not attract tourists that Whitehaven is trying to attract.
2. The Waverley Hotel already suffers from noxious smells emanating from Indian Spice (Duke Street), with their extraction system being clearly visible from several of the letting bedrooms. The extract flue of the proposed takeaway would be within yards of residential windows making the smell unbearable.
3. Damage and anti-social behaviour that occurs outside these fast food takeaways. Late night revellers turning out from nearby nightclubs and public houses congregate around the takeaways causing noise and damage.
4. Noise and disturbance for occupants of adjacent flats and hotel.
5. The proposed extract vent coming through the slate roof in Hicks Lane is certainly of detriment to the building.
6. Increase in vermin and seagulls.
7. The usage would generate large amounts of waste. Even if the bins are situated at the owners other premises what happens in the event of ownership changing?
8. The area around Tangier Street and Duke Street is rapidly becoming a food takeaway ghetto. Surely diverse business development should be encouraged. Any successful town centre should contain a balanced mix of uses.
9. No attempt has been made to facilitate disabled access or attempt

MAIN AGENDA

- to make the building blend in with the Town Centre Conservation Area.
10. No attempt is being made to blend in with the surrounding buildings and Conservation Area with the existing aluminium shopfront and UPVC windows being retained and the existing sign will be replaced with another plastic sign. It appears that little work is being carried out to maximise financial gain.
 11. The adjoining Post Office has been sympathetically renovated to retain its Georgian character including a timber shopfront.
 12. Question the need for the applicant to open another takeaway only four doors from their existing business.
 13. There is no mention of any provision of grease traps etc to the drainage system
 14. The objector fears that their business will suffer if the application is successful.

In terms of planning policy both Policies ENV 26 and TCN 14 of the adopted Copeland Local Plan 2001-2016 are considered relevant to the determination of this application.

Policy ENV 26 states that:-

"Development within Conservation Areas or that which impacts upon the setting of a Conservation Area will only be permitted where it preserves or enhances the character or appearance of the Area and, if appropriate, views in and out of the Area. In particular it should:

1. respect the character of existing architecture and any historical associations by having due regard to positioning and grouping of buildings, form, scale, detailing and use of traditional materials
2. respect existing hard and soft landscape features including open space, trees, walls and surfacing
3. respect traditional street patterns, plot boundaries and frontage widths
4. improve the quality of the townscape"

Policy TCN 14 states that:-

"Proposals for food and drink uses in shopping areas will be permitted subject to the requirements of TCN 10 and other plan policies with particular attention to:

MAIN AGENDA

1. the likely impact on the character and amenity of the general area and on nearby residential properties as a result of noise, disturbance, litter, smell, sewer discharge or visual intrusion
2. restrictions on late night opening where late ht activity associated with the proposed use would be harmful to the general character and amenity of the area
3. any venting of the premises not causing undue nuisance to adjoining occupiers

An appropriately designed and sited external litter bin which must be emptied by the operators will be required in association with takeaway food outlets".

The Council's Environmental Health department objects to the proposal as there is no site for a refuse container for the trade waste which would be generated by such a use. They comment that Hicks Lane is a single width road used for the Senhouse pay & display car park and is not suitable for the location of trade waste.

They go on to say that the limited facility for the storage of trade waste containers on the highway/wide pathways in the area around Tangier Street has already been exceeded with the Environmental Health Department receiving regular reports/complaints including rodent activity, the tipping of waste out of bins and windblown waste.

I am therefore of the opinion that in the absence of a suitable refuse facility and given the prominent position of the extraction system within this Conservation Area setting the proposal is at variance with both Policies TCN 14 and ENV 26.

Recommendation

Refuse

In the absence of adequate space to accommodate a refuse facility the proposed use would have an adverse impact on neighbouring residential properties and the surrounding area in general as a result of increased smell and waste. Furthermore, by virtue of its prominent position the proposed odour control system does not respect the character or appearance of the Conservation Area setting and, as such, is at variance with both Policies ENV 26 and TCN 14 of the adopted Copeland Local Plan 2001-2016.

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15 4/07/2598/0

DEMOLITION OF EXISTING OFFICES/WORKSHOPS,
REDEVELOPMENT OF SITE FOR A1 RETAIL, A3
RESTAURANT/CAFE AND 42 MIXED DENSITY APARTMENTS
PEARS HOUSE, QUAYSIDE, WHITEHAVEN, CUMBRIA.
MAGNUS HOMES LIMITED

Parish

Whitehaven

This is an application for ground floor retailing and restaurant/cafe with apartments above.

The application is accompanied by a number of plans and documents including:-

Design and Assess Statement
Transport Statement
Archaeological Desk Based Assessment
Flood Risk and Drainage Assessment

THE PROPOSAL

The site fronts onto Duke Street and the harbour. The current use of part of the site is offices and the remaining site is vacant, being a former garage and tyre depot and boat repair yard.

This is a full application for ground floor retailing and restaurant/cafe with 6 floors of apartments above, including penthouses making a 7 storey development overall. There is also a basement car park to serve the residential units.

This is the first of three proposals which we have been discussing with developers in relation to harbour frontage sites. The proposals raise issues regarding access and servicing, design details and the height and massing of the building in relation to both the town and harbour. This is an important proposal in that the consideration of this proposal will have implications for the development of the harbour frontage as a whole.

It is recommended that Members visit the site prior to the application being determined as there are a number of design issues relating to this proposal and implications for future developments along the harbourside.

Recommendation

Site Visit

MAIN AGENDA

16 4/07/2602/0

OUTLINE APPLICATION FOR PROPOSED DWELLING
LAND ADJACENT TO, DOG AND PARTRIDGE, SANDWITH,
WHITEHAVEN, CUMBRIA.
R McLEAN

Parish Whitehaven

This application seeks outline planning permission for the erection of a detached two storey dwelling on part of an existing public house car park on the north eastern fringe of the village. The site is situated on much higher land than the adjacent pub and road and vehicular access would be via the existing steep access which currently serves the car park.

The application is accompanied by a design and access statement in which the applicants put the case that the existing car park is underused as it is too remote from their adjoining public house and, therefore, there would be no loss of this facility. An indicative drawing shows that a portion of the car park would be retained and the levels reduced to create an 8 bay car park which would encourage customers to use the car park instead of parking along the adjacent road. It should be noted, however, that whilst this may be the intention this work to the car park, for which permission would be required, does not actually form part of the application. For purposes of clarification this application seeks outline permission only for the dwelling element. It should also be noted that there is no indication at this stage that the levels of the plot would be reduced. Any two storey development in this location, given the existing topography and setting, would be obtrusive.

In planning terms the settlement of Sandwith no longer benefits from a development boundary drawn around it by virtue of Policy DEV 4 of the adopted Copeland Local Plan 2001-2016. Policies DEV 5 and HSG 5 of the local plan also presume against development outside these boundaries unless essential needs grounds are demonstrated or the proposal comprises one of the specified acceptable forms of development such as local needs housing. No exceptional need case accompanies the proposal.

Although on policy grounds the site constitutes non-essential housing in the countryside, in order to justify refusal it also has to be demonstrated that the proposed dwelling would cause harm. The site is isolated on the outer fringe of the village and is some 60 metres distant from the rear of the nearest property, the public house. The site is surrounded by green fields to the north, south and east and its topography is such that a two storey dwelling here would be visually obtrusive and completely unrelated to its surroundings. It

MAIN AGENDA

would also extend linear development away from the village.

In my opinion, taking the above into account, the proposal fails to demonstrate that a satisfactory form of new housing development, both in policy and location terms, can be achieved on this site in accordance with Policies DEV 5 and HSG 5 of the local plan.

Recommendation

Refuse

In the absence of demonstrable exceptional circumstances arising from local social and economic conditions, the proposal is considered to represent an inappropriate visually obtrusive form of non-essential housing development in this rural location contrary to Policies DEV 5 and HSG 5 of the adopted Copeland Local Plan 2001-2016.

CUMBRIA COUNTY COUNCIL

17 4/07/9010/0

CONSTRUCTION AND OPERATION OF VAULT 9 FOR THE
STORAGE OF LOW LEVEL WASTE
LOW LEVEL WASTE REPOSITORY, DRIGG, CUMBRIA.
BRITISH NUCLEAR GROUP

Parish Drigg & Carleton

THE SITE

The existing Low Level Waste Repository (LLWR) site is the former Royal Ordnance Factory site, which covers an area of 110 ha. The LLWR is adjacent to and to the west of the village of Drigg and around 0.5 km east of the West Cumbrian coast. The site is approximately 8 km south-east of the Sellafield site. The site slopes gently, falling from around 20m above sea level at the north-eastern boundary to 7m above sea level at the south-western boundary.

The application site covers 9.162 ha and is within the LLWR site, adjacent to the north west site boundary. It is located to the west of the historic trenches and south of Vault 8. At present the site is covered by a mixture of natural features and is crossed by an unmade site road. The Drigg stream runs north to south adjacent to the western edge of the proposed vault. The stream will be diverted as part of the development.

The Carlisle-Barrow railway line runs along the eastern boundary of the LLWR and is linked with the repository via rail sidings. The Vault 9 development site is approximately 1.2 km from Drigg station which is on the south eastern boundary of the LLWR.

THE PROPOSAL

The main objective of the new vault is to continue to provide low level waste storage for the NDA and its customers beyond the point at which Vault 8 reaches capacity, (by December 2008). Due to limited remaining capacity and accelerated decommissioning activities, the need is urgent. It has been determined that the provision of a new storage vault at the LLWR is the most appropriate solution in order to provide additional safe, secure and cost effective storage capacity for low level waste (LLW). There is no other suitable and available option in the short term. The new vault will provide a national facility for the storage of LLW until such time as alternative facilities are available, maintaining status quo until the national strategy is adopted.

The development consists of the construction of Vault 9 and ancillary works comprising the partial diversion of the Drigg stream, the formation of internal site access roads, the provision of a temporary site compound, the formation of an earth stockpiling mound and

CUMBRIA COUNTY COUNCIL

settlement pond. The vault storage slab will be constructed from concrete walls on all four sides, although that on the south west side is lower than the other three walls. The base slab will incorporate falls to facilitate the management of leachate. A basal liner will be incorporated in the walls and a double liner system, consisting of primary and secondary low permeability layers, will be incorporated within the base. The liner system will segregate the waste and any leachate resulting from water infiltration from the environment. The leachate system will be capable of achieving the performance required under the Radioactive Substances Act (1993) for disposal of LLW. Vault 9 will be excavated to a formation depth of approximately 14m AOD, ensuring that the visual impact from beyond the LLWR boundary will be minimised, even with containers stacked within the vault area. The vault will measure 200m from north to south and 141m east to west. The height of the north-east wall will be about 4.5m, the south-east wall will be about 2m high and north-west and south-east walls will be approximately 5.3m high. All are variable because of the fall in the concrete base slab. The vault will have a capacity of approximately 5,500 Half Height ISO freights. Whilst the vault is for the storage of LLW, it will be constructed to a standard capable of providing a disposal facility in the future, if policy determines (and subject to appropriate consents).

Once vault 9 is constructed, its operation will be similar to that of vault 8, except that all Half Height ISO freights will be subject to a reduced maximum weight of 35 tonnes, in order to facilitate their potential future transfer off-site.

A contractor's area will be required in order to construct the proposed vault. This facility will include two batching plants (one concrete and one bentonite) which may be used in parallel. The installation of these plants will facilitate the import of raw construction materials by rail and minimise the impact of traffic through Drigg and Holmrook villages. The contractor's compound is to be provided in the area to the south of vault 9.

Earth to be excavated from the vault 9 construction site is to be used to form an earth mound in an area to the south of the vault. The mound will raise to a maximum height of 8m. The mound will be seeded to prevent erosion and drainage ditches will be provided around its perimeter.

It is estimated that about 50 jobs will be created during the construction period, which will be approximately 12 months. The development itself will safeguard existing jobs at the site.

The application is accompanied by an Environmental Statement supporting the proposal. The Environmental Statement is very comprehensive covering the following:-

- Description of project
- Alternative sites for storage

CUMBRIA COUNTY COUNCIL

Stakeholder co-ordination
Planning context
Assessment of radiological effects
Traffic impact assessment
Noise impact assessment
Landscape and visual impact assessment
Flora and fauna
Air quality assessment
Geology, soils and hydrogeology
Aquatics
Economic and social effects
Environmental management plan
Residual impacts and interaction summary

Following a joint County and Copeland officer site visit, amended plans have been submitted which avoid the need to divert part of the Drigg Stream and to fell part of the perimeter tree screen. This will avoid a number of ecological issues which were previously caused by the proposed diversion.

A presentation was given by Drigg personnel to the Planning Panel and Nuclear Working Group on 18 September 2007 when a number of ecological issues were raised by members and answered by the Drigg representatives. The main issue under discussion was the question of a suitable community compensation package. This matter is the subject of further on-going discussions and members will be updated at the meeting.

The Nuclear Working Group is due to consider this proposal at its meeting on 11 October 2007 and the recommendation of that Group will be sent to Members before the Panel meeting.

The Council's Policy with regard to low level waste is that there should be no extension of capacity without agreeing a community benefits package with the Council. The Council has been in significant discussions for some time with regard to agreeing a suitable community package.

In detailed planning terms there are no objections to the proposal. The outstanding issue to be resolved is to agree the content and format of a suitable community compensation package.

Recommendation

That no objection be raised to the proposal subject to an acceptable community compensation package being agreed with Copeland Borough Council.

COPELAND BOROUGH COUNCIL

18 4/07/2580/0

IMPROVEMENTS TO PEDESTRIAN CYCLIST AND VEHICULAR
ACCESS AND CAR PARKING ENVIRONMENTAL ENHANCEMENTS
AND IMPLEMENTATIONS OF SITE FURNITURE SEATING,
CYCLE STANDS AND SIGNAGE TO IMPROVE PUBLIC USE
HAIG COLLIERY, WHITEHAVEN, CUMBRIA.
COPELAND BOROUGH COUNCIL -

Parish

Whitehaven

This application comprises an extensive scheme of environmental improvements encompassing an area of 8.7ha. The area covered is mainly grassland/open space between the rear of Basket Road, Kells, including the rugby/sports pitch leading to the cliff tops to the west; it extends south behind Haig Colliery museum including, in part,

two public footpaths and to the north incorporating the Candlestick and Wellington terraces.

In brief the scheme will involve the following improvement work:

Wellington Terrace:

1. New steps/path from the harbourside up to Wellington Terrace
improve access to the coastal headland, including new safety railings, regrading of the terrace and new seating area.
2. New shared surface area designated on a section of the existing access road to South Beach car park to enable safe pedestrian crossing.
3. Widening of path from South Beach car park to 3 metres to enable shared use by pedestrians/cyclists.
4. New path to Candlestick terrace with feature engraved paving and wall copings.
5. New path from car park south of Wellington Lodge to the terrace to encourage access for all. The existing hard standing will be resurfaced to incorporate a mosaic feature/engraved paving and a ramp.
6. The surrounding grassed area will be re-contoured to provide more user friendly gradients.
7. Railings to be replaced by new walls.
8. Provision of new seating.

COPELAND BOROUGH COUNCIL

Johnathan Swift House:

9. Refurbishment of adjacent paths and steps, including a new aggregate surfacing.
10. Refurbish the existing bridge and parapet walls with lighting underneath.

Haig Mining Museum:

11. Widen and resurface existing access road with provision of laybys and a separate pedestrian path to the museum and headland.
12. Widen entrances to the museum.
13. New feature wall and signage.

Kells Rugby Pitch:

14. Contain dog proof fencing incorporating native gorse planting.
15. Provision of new access gates.
16. Localised surfacing on access road to rear of Basket Road.
17. New access control mechanisms, seating and signage.

Public Footpath FP431056

18. Proposed to permanently close this coastal footpath and provide a new footpath which will follow the line of the old mineral railway.

Public Footpath FP431043

19. This will be retained.

Consultation is still underway. To date responses have been received from Cumbria County Council's Rights of Way Officer who supports the proposal and the Highway Authority. The latter have advised certain amendments and these are currently being addressed.

In view of the fact this is a major application, and the proposal involves an extensive variety of environmental enhancement works over a large area of the coastal fringe of Whitehaven, it is recommended that Members take the opportunity to visit the site to familiarise themselves with the proposal and the issues this raises.

Recommendation

Site Visit

AMENDED PLAN

PP 17 10 07

4/05/2042/0F1

**Conservatory, rear extension and improvements
7 Poolside, Haverigg, Millom
Ms E Milligan**

Parish: Millom

Request a site visit due to problems with adjoining property and distance from gable wall to conservatory wall

At the last meeting Members acceded to the Town Council's request and resolved to carry out a site visit before determining this request for approval, in retrospect, for the front conservatory already substantially constructed at the above property. The site visit took place on Wednesday 3 October 2007.

Planning permission was granted for a rear extension and conservatory on 2 March 2005 (4/05/2042/0 refers).

On the plans submitted, the conservatory was shown joined into the gable of the neighbouring house as they are offset within the terrace. However, consent was refused by the owners of the neighbouring property to attach the conservatory to No 8 Poolside, when construction was due to commence. The applicant therefore constructed the conservatory at variance with the planning consent, leaving a gap between the conservatory and the gable wall which ranges in width from 0.6 metres at the front and 0.3 metres at the rear.

This situation was previously worse as a wall was constructed to the front which blocked the 0.6 metre gap and created a void which was filling up with water. This has now been removed.

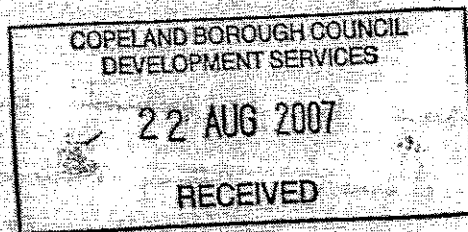
A letter of objection has been received from the owner of the adjoining property which is appended to the report. Also appended is a letter from a Ward Councillor supporting the objectors.

Whilst not condoning the actions of the applicant in not securing approval for the revised scheme prior to works being undertaken I would comment as follows:

1. Whilst rendering of the external conservatory wall nearest to the objectors' gable wall has become difficult, I do not consider it impossible.
2. Similarly, any future maintenance to the gable wall of the objectors' property can be achieved, albeit with greater difficulty and necessitating a flying scaffold for high level work which would, in any event, have been necessary had the conservatory been built in accordance with the plan as originally approved.
3. As regards any subsequent re-damp proofing of the objectors' gable wall, this could be achieved other than by external injection.

In conclusion, whilst the actions of the applicant have raised issues regarding future maintenance and associated access rights, I do not consider there to be grounds, in purely planning terms, to refuse the development as built.

Recommendation: That the amended plan received by the Local Planning Authority on 8 August 2007 showing a revised positioning for the front conservatory at 7 Poolside, Haverigg be approved.



5. Sandham Lane
Haverigg
Millom
LA18 4HG
20.8.07

Dear Mr. Blacker

Your ref. 4/05/2042/0

We wish to object to planning permission being granted for the conservatory at 7 Poolside as per the amended plans.

This conservatory has already been built despite it being at variance with the approval granted in 2005. No amended plans were submitted or planning permission given before the conservatory was built. We did not have the opportunity to object before the work commenced.

The amended plans now submitted do not give any detail of the new structure. All that is shown is the void between the conservatory and the gable wall of our property, No. 8 Poolside, and the removal of the front wall. The wall of the conservatory nearest to our property has been built leaving a gap of 23" (0.58 mtrs) at the front of the void, tapering to 10" (0.25 mtrs) at the rear, thus denying us sufficient access to the gable to do any maintenance.

Because of damage done to our property by the extended floor (now removed) of the conservatory the gable wall has to be re-damp proofed. We have consulted a builder who informs us that it is impossible for the work to be done as there is insufficient space to work in.

If maintenance cannot be done on the gable wall

it, will deteriorate, causing problems internally and
property will be almost impossible to sell in the
future.

We ask that these plans be rejected and that the
conservatory wall be taken down and rebuilt at
least 1 metre away from our gable at all points.

Yours sincerely

[Signature]

RG FARRAR (MR)

P. Farrar

P. FARRAR (MRS)

Mr. S. Blacker
Planning Officer
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
Cumbria
CA 28 7SJ

Copy to Mr. T. Pomfret

Cllr Douglas Wilson
Chapel Cottage
2 Bankfield Road
Haverigg
Cumbria
LA18 4ET

08 October 2007

Re: Planning Application 4/05/20420 - Conservatory 7 Poolside Haverigg.

To the Planning Panel

I know and respect both parties involved in this dispute and I have therefore viewed the situation solely from a planning standpoint, with regard only to the present situation.

I am writing in support of the owners of No 8 Poolside; the objectors to the application.

The current planning application creates a situation which is unacceptable to the objectors for a number of reasons:

The conservatory wall of 7 Poolside is too close to the gable end of 8 Poolside. This presents an impossible situation for the owners of 8 Poolside as they cannot maintain their wall without hindrance, because of the restricted space between the two.

It is my belief that had the current plan had been submitted before any development had taken place it would have been rejected by the planning officers as creating an unacceptable restriction on the objectors' access to their property which had not previously existed.

It is interesting to note that had it been a house being built next door it would have been subject to the eminently sensible HSG 8 Design Standards which require that:

"Detached and end of group dwellings retain at least 1.0m clear between walls and side boundaries" (This is to allow a reasonable degree of access).

As it is the development does not conform to important aspects of Copeland Plan 3.8.15, which requires that;

"Care must be taken to avoid creating amenity problems. The design must take into account the scale and character of the existing dwelling and its neighbours incorporating similar external facing materials. Extensions should not dominate the existing dwelling or its setting".

It is patently obvious that amenity problems will be created by the proposed development, also there is no indication that the design has taken into account the scale of and character of neighbours' dwellings.

It may be that mention will be made of the lack of communication between neighbours, and the fact that the building is largely complete.

I would respectfully remind members that this must have no bearing on the decision being made, as the development as it stands is unapproved and should therefore be disregarded. The application should only be considered on its current merits and the proposals being made.

We must also consider The Human Rights Act – Article 8.

Scope of rights protected by Article 8

The right to respect for private and family life, home and correspondence in Article 8 brings wider protection than might be thought at first glance. It has also been used to extend protection to a person's office space as well as his or her domestic home. More recently, in the English and Welsh courts, it has been recognised that a right of privacy may be enjoyed by a company as well as an individual.

Protection of private life and the home may also be relevant to decisions made in planning and environmental contexts. Permitting the carrying out of an unpleasant development nearby your home, which will affect your enjoyment of your property, may be an interference with rights under Article 8.

The Duty of Public Authorities

The requirement on public authorities to act compatibly with Article 8 of the Convention is contained in Section 6 of the HRA. Section 6 provides that central government, local government and other public bodies such as the police and the courts must all act compatibly these rights.

The situation as it stands, is that because of the non-permitted development one party now has restricted access to a portion of their property.

The fact that the development is substantially complete should have no bearing on the decision taken.

Councillor

D. A. Wilson.

08/10/2007

Schedule of Applications - DELEGATED MATTERS

4/07/2356/0	St Bees	CONSERVATION AREA CONSENT FOR DEMOLITION OF PLUMBERS STORE AND GARAGE 116A, MAIN STREET, ST BEES, CUMBRIA. MR M DAVISON
4/07/2444/0	St Bees	ERECTION OF BUNGALOW (RESERVED MATTERS) LINETHWAITE HALL, LINETHWAITE, MOOR ROW, CUMBRIA MR P NOLAN
4/07/2531/0	Haile	TO CONSTRUCT A NEW PARTIALLY SUBTERRANEAN SERVI RESERVOIR TOGETHER WITH A NEW ACCESS ROAD, LAND OFF, HIGH WINDER LANE, WILTON, EGREMONT, CUMBRIA. UNITED UTILITIES
4/07/2489/0	Whitehaven	TWO STOREY EXTENSION 14, HEADLANDS DRIVE, HILLCREST, WHITEHAVEN, CUMBRIA. MRS H GILMARTIN
4/07/2509/0	Whitehaven	EXTEND PORCH, REPLACE FLAT ROOF ON PORCH & GARAGE WITH PITCHED ROOF 11, CRAIG DRIVE, WHITEHAVEN, CUMBRIA. MR DUNN & MISS BENSON
4/07/2510/0	Seascale	ERECTION OF A SINGLE STOREY EXTENSION 4, HALLSENNA ROAD, SEASCALE, CUMBRIA. MR T FLEET
4/07/2511/0	St Bees	EXTENSION TO ROOF TO PROVIDE ADDITIONAL BEDROOM 5, MAIN STREET, ST BEES, CUMBRIA. MR AND MRS D COX
4/07/2513/0	Distington	SINGLE STOREY EXTENSION TO DWELLING & DEMOLITIO OF EXISTING SUB-STANDARD KITCHEN 23, COMMON END, DISTINGTON, CUMBRIA. K McINTYRE
4/07/2521/0	Moresby	SINGLE STOREY EXTENSION TO DWELLING WHINGARTH, HIGH GHYLL HEAD, MORESBY PARKS, WHITEHAVEN, CUMBRIA. MR & MRS HYDE
4/07/2523/0	Seascale	ERECTION OF GARAGE AND PROVISION OF DRIVEWAY 7, WHOLE HOUSE ROAD, SEASCALE, CUMBRIA. MISS S SOUTHWARD
4/07/2536/0	Cleator Moor	DOUBLE STOREY EXTENSION TO DWELLING

Schedule of Applications - DELEGATED MATTERS

		11, WASTWATER CLOSE, CLEATOR MOOR, CUMBRIA. MR W MEAGAN & MISS D TEMPLETON
4/07/2537/0	Egremont	SINGLE STOREY KITCHEN EXTENSION AND NEW VELUX ROOF LIGHTS 19, CHURCH STREET, MOOR ROW, CUMBRIA. MR D SHANKLAND
4/07/2539/0	Lamplugh	ATTACHED DOUBLE GARAGE AND BALCONY ADDITION BANK END FARM, KIRKLAND, FRIZINGTON, CUMBRIA. MR G DIXON
4/07/2550/0	Lamplugh	DEMOLITION OF EXISTING GARAGE AND LINK CONSTRUCTION OF NEW TWO STOREY SIDE EXTENSIONS, HIGH PARK, LAMPLUGH, CUMBRIA. MR & MRS R MCATEER
4/07/2551/0	Whitehaven	BRONZE COMMEMORATIVE PLAQUE ON THE FRONT OF A GEORGIAN HOUSE 7, HIGH STREET, WHITEHAVEN, CUMBRIA. WHITEHAVEN & DISTRICT CIVIC SOCIETY
4/07/2552/0	Distington	DEMOLITION OF FLAT ROOFED SINGLE STOREY GARAGE EXTENSION AND CONSTRUCTION OF GABLE EXTENSION A CROFTLANDS, PICA, DISTINGTON, CUMBRIA. MR & MRS P NEVINSON
4/07/2554/0	Lowca	UPVC CONSERVATORY 2, GHYLL BANK, LOWCA, WHITEHAVEN, CUMBRIA. MR & MRS A O'NEIL
4/07/2555/0	Seascale	ERECTION OF GARAGE/UTILITY/FAMILY ROOM EXTENSIO STAWARD, CROSS LANES, SEASCALE, CUMBRIA. MR & MRS P JACKSON
4/07/2568/0	Arlecdon and Frizington	TO FIX A RETRACTABLE CANOPY AWNING TO FRONT OF BUILDING FRIZINGTON VETERANS CLUB, LINDOW STREET, FRIZINGTON, CUMBRIA. FRIZINGTON VETERANS CLUB
4/07/2569/0	Egremont	REMOVAL OF EXISTING GARAGE, BUILD NEW PORCH/GARAGE/BEDROOM/BATHROOM/SITTING ROOM 16, THE CRESCENT, SMITHFIELD, EGREMONT, CUMBRIA MR GREEN AND MS COMAN
4/07/2535/0	Whitehaven	CHANGE OF USE FROM SPORTS SHOP TO TATTOO PARLOU 124, QUEEN STREET, WHITEHAVEN, CUMBRIA. MR J CLEGHORN
4/07/2541/0	Distington	FIELD SHELTER AND STORE

Schedule of Applications - DELEGATED MATTERS

		FIELD 02 2800, SCOFF WOOD, DISTINGTON, CUMBRIA. MR R McCARRON
4/07/2548/0	Moresby	CONVERSION OF BARN INTO 3 BEDROOMED HOUSE BARN, HOWGATE FARM, HOWGATE, WHITEHAVEN, CUMBRIA ANDREW & BEVERLEY ROBERTS
4/07/2557/0	Distington	CLEARSPAN AGRICULTURAL BUILDING WILSON PARK FARM, PICA, WORKINGTON, CUMBRIA. R & J BROWN
4/07/2561/0	Arlecdon and Frizington	ERECTION OF CONSERVATORY TO SIDE & REAR OF PUBL HOUSE THE HOUND INN, ARLECDON, FRIZINGTON, CUMBRIA. MR P FOLEY & MISS M HAIG
4/07/2566/0	Lamplugh	CONVERSION OF SMALL SELF-CONTAINED ATTACHED BEDSIT INTO HOLIDAY MAISONETTE WOODBEEK HOUSE, ASBY ROAD, LAMPLUGH, CUMBRIA. C & W HOWLAND
4/07/2570/0	Whitehaven	ERECTION OF PALISADE FENCE, PEDESTRIAN GATE AND VEHICLE ACCESS GATE TO REAR SERVICE YARD THE BRIDGES RETAIL PARK, WHITEHAVEN, CUMBRIA. THREADNEEDLE PROPERTY UNIT TRUST
4/07/2575/0	Whitehaven	CHANGE OF USE FROM HAIRDRESSERS TO A2 20, CHURCH STREET, WHITEHAVEN, CUMBRIA. HOMESEARCH DIRECT
4/07/2577/0	Whitehaven	CONVERSION OF DWELLING INTO 3 NO. FLATS 17, ALBION STREET, WHITEHAVEN, CUMBRIA. MR A McNICHOLAS
4/07/2480/0	Haile	CHANGE OF USE OF ADJOINING AGRICULTURAL LAND TO GARDEN AND TWO STOREY EXTENSION TO DWELLING THE GLASS HOUSE, WILTON, EGREMONT, CUMBRIA. MR & MRS G YOUNG
4/07/2492/0	Millom	FIRST FLOOR EXTENSION TO CREATE EXTRA BEDROOM 7, SILVERDALE STREET, HAVERIGG, MILLOM, CUMBRIA MR & MRS P D CHESHER
4/07/2515/0	Millom Without	NEW PITCHED ROOF TO WEAVERS WORKSHOP TO REPLACE FLAT ROOF HMP HAVERIGG, NORTH LANE, HAVERIGG, MILLOM, CUMBRIA. CUSTODIAL PROPERTY

Schedule of Applications - DELEGATED MATTERS

4/07/2522/0	Millom	SINGLE STOREY EXTENSION 24, MARKET STREET, MILLOM, CUMBRIA. MRS C KENDALL
4/07/2528/0	Millom	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING GARAGE/STORE & ERECTION OF 2 No SEMI-DETACHED AGE CONCERN GARAGE SITE, MILLOM ROAD, MILLOM, CUMBRIA. MRS L CHAPPLES
4/07/2530/0	Millom Without	TEMPORARY CAR PARK HMP HAVERIGG, NORTH LANE, HAVERIGG, MILLOM, CUMBRIA. MR D DE BOLTZ
4/07/2538/0	Haile	PREFABRICATED WOODEN LOOSE BOXES, SINGLE STOREY FOR HORSE STABLING FIELD 4025, HAILE, CUMBRIA. EVAN MARTIN WRIGHT & ANNE WRIGHT
4/07/2540/0	Millom	SIDE WINDOW, SIDE DOORS AND BALCONY BRIDGE CAFE, 1, ST GEORGES ROAD, MILLOM, CUMBRIA E G TOWNSEND
4/07/2543/0	Drigg & Carleton	DEMOLISH EXISTING FRONT PORCH AND REPLACE WITH UPVC FRONT PORCH 4, WRAY HEAD, DRIGG, HOLMROOK, CUMBRIA. MR AND MRS K MOUNSEY
4/07/2544/0	Egremont	CHANGE OF USE FROM BUSINESS TO DOMESTIC USE 36, NORTH ROAD, EGREMONT, CUMBRIA. MR N FORKER
4/07/2547/0	Egremont	CHANGE OF USE FROM SHOP TO RESIDENTIAL USE ON GROUND FLOOR 92, MAIN STREET, EGREMONT, CUMBRIA. GARY WILLIAMSON & CLARE WRIGHT
4/07/2573/0	St Bridgets Beckermeth	CONSTRUCTION OF TWO STOREY PREFABRICATED BUILDING TO SERVE AS OFFICE AND WORKSHOP ACCOMMODATION SELLAFIELD, SEASCALE, CUMBRIA. SELLAFIELD LIMITED